



THE FOLLOWING ORDER
IS APPROVED AND ENTERED
AS THE ORDER OF THIS COURT:

DATED: August 13, 2015


Susan V. Kelley

Chief United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In re
Michael J. Rankin and
Linda J. Rankin,

Debtors.

Chapter 7
Case No. 09-37267-svk

Michael J. Rankin, et al.,
Plaintiffs,

v.

Adversary Case No. 15-2159

Grandview Plaza I, L.L.C., et al.,
Defendants.

ORDER ON REQUEST FOR MEDIATION

The parties to this adversary proceeding have requested a mediation session with a bankruptcy judge in an attempt to resolve their disputes without further litigation. The Honorable Margaret Dee McGarity has agreed to serve as mediator.

Accordingly, it is

ORDERED as follows:

1. The mediation session will be conducted on September 18, 2015 at 9:30 a.m. at the United States Courthouse, 517 E. Wisconsin Avenue, Room 150, Milwaukee, Wisconsin.

2. At the scheduled mediation session, the appearance of counsel and each party or representatives of each party with full authority to enter into full and complete compromise and settlement is mandatory.
3. Each party must prepare a settlement conference statement setting forth the relevant positions of the party concerning factual issues, issues of law and relief sought. The settlement conference statement will set out the settlement negotiation history of the matter, including any specific demands and offers previously conveyed. No later than September 8, 2015, the parties must e-mail the settlement conference statement to kris_oswald@web.uscourts.gov. The settlement conference statements should not be filed in the above-captioned matter or otherwise made a part of the record in this case.
4. The content of, and the discussions occurring during, the mediation session are to be kept confidential. All persons involved in the mediation session will keep confidential, and not use for any collateral or ulterior purpose:
 - a. Any views expressed or suggestions or proposals for settlement made by a party or Judge McGarity in the course of the mediation session;
 - b. The fact that a party had or had not been willing to accept a proposal for settlement made during the course of the mediation session;
 - c. All information (whether oral or in writing) produced for or arising in relation to the mediation session, except as directly necessary to implement and enforce any settlement resulting from the mediation session.
5. All documents (including anything stored electronically) and any other information produced for, or arising in relation to, the mediation session is privileged and not admissible as evidence or discoverable in any legal proceedings except proceedings commenced to enforce a written settlement agreement arrived at among the parties as a result of the mediation session.
6. By agreeing to participate in this mediation session, the parties consent that all disputes between them will be addressed as part of the mediation session, and each party will make a good faith attempt to negotiate a global settlement of the disputes arising among the parties.
7. The parties acknowledge that Judge McGarity is not the Presiding Judge in this matter. While Judge McGarity is acting in her official capacity as a Bankruptcy Judge when assisting the parties, she will have no involvement whatsoever in deciding any issue in the above-captioned matter. Judge McGarity's role is to facilitate the settlement discussions among the parties in an attempt to assist the parties in reaching a global settlement of their disputes, and, if this is not possible, to assist in narrowing the issues for hearing before the Presiding Judge.
8. If the parties reach an agreement regarding the disposition of this proceeding, the parties will either prepare a written settlement agreement at the mediation session, or,

if time does not permit the drafting of a full settlement agreement, the parties will indicate their assent to the agreement on the record via the electronic sound recording system, and will then prepare and submit a written settlement agreement within 7 days of the conclusion of the mediation session.

9. The parties agree for the benefit of themselves and Judge McGarity as settlement facilitator that:
 - a. The parties will not make any claim whatsoever against Judge McGarity or her staff or courtroom deputy for any matter in connection with or in relation to the mediation session, the assistance provided by Judge McGarity, or the disputes between the parties; and
 - b. Judge McGarity, her staff, and her courtroom deputy will not be liable to the parties for any act or omission in connection with her assistance provided as a settlement facilitator.
10. All deadlines in this adversary proceeding are stayed pending the mediation. The parties should keep the Court informed of the status of the mediation so that these deadlines and the trial date can be rescheduled if necessary.

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